

CLINTON TOWN COUNCIL
APRIL 26, 2023
7:30 P.M.

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Council and Executive Session meeting minutes of April 12, 2023
2. PUBLIC COMMENTS
3. MAYOR'S COMMENTS
4. FRIENDS OF THE CLINTON PARKS & EVENTS – BOOSTER CLUB PRESENTATION
RYAN STEWART OF MRC (Marturano Recreation Company, Inc.)
UPDATED PLAYGROUND DESIGN VIA ZOOM
5. PROCLAMATION – ARBOR DAY
6. RESOLUTION #84-23 – SUPPORTING SUSTAINABLE LAND USE
7. RESOLUTION #85-23 – ENCOURAGING GREEN BUILDING DESIGN
8. RESOLUTION #86-23 – HPC AUTHORIZATION TO APPLY FOR GRANT
9. RESOLUTION #87-23 – ESTABLISHING MINIMUM INSURANCE STANDARDS FOR
CONTRACTORS & VENDORS ACCESSING MUNICIPAL PROPERTY
FOR RECREATION OR NON-RECREATION PURPOSES
10. RESOLUTION #88-23 – REDEMPTION OF LIEN – LEGACY INTAX
11. RESOLUTION #89-23 – SELF EXAMINATION OF THE MUNICIPAL BUDGET
12. PUBLIC HEARING OF ORDINANCE #23-08 – CAP ORDINANCE
13. PUBLIC HEARING – 2023 BUDGET
14. CORRESPONDENCE
15. REPORTS OF COUNCIL
16. STANDBY AND OVERTIME
17. PAYMENT OF BILLS
18. RESOLUTION # _____ -23 - EXECUTIVE SESSION –
19. ADJOURNMENT

TOWN OF CLINTON

RESOLUTION # 84-23

RESOLUTION SUPPORTING SUSTAINABLE LAND USE

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to an increase in societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space, and the degradation of natural resources; and

WHEREAS, well-planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW THEREFORE BE IT RESOLVED by the Town of Clinton that the following steps be taken with regard to our municipal land-use decisions with the intent of making the Town of Clinton a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

- 1) Regional Cooperation - we pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions and to consider regional impacts when making land-use decisions.
- 2) Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit, and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking to limit the number of required parking spaces and promote shared parking and other innovative parking alternatives.
- 3) Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational, and agricultural value, avoiding or mitigating negative impacts on these resources. Further, we pledge to update our Natural Resources Inventory before or during each master plan reexamination to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land use, and open space planning.
- 4) Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational, and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
- 5) Housing Options - We pledge, through the use of our zoning and revenue-generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale, and rental options, to meet the needs of all people at a range of income levels.
- 6) Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.
- 7) Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Janice Kovach, Mayor

ATTEST:

Cecilia Covino, RMC/CMC
Town Clerk

DATED: April 26, 2023

TOWN OF CLINTON

RESOLUTION # 85-23

RESOLUTION ENCOURAGING GREEN BUILDING DESIGN

WHEREAS, buildings account for 39% of CO2 emissions – more than the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building (also called sustainable or high-performance building) is a collection of better design, construction, and operating practices that can potentially reduce or eliminate the negative impacts of development on the environment and human health. Many examples of green building programs and guidelines have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity, and health, and other components; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential, and civic development is consistent with the Town of Clinton's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation, and maintenance of buildings; and

WHEREAS, the Town of Clinton desires to set a leadership example in the area of green building by proposing energy efficiency audits and upgrades to the municipal building stock, continued procurement practices, such as improving water conservation and run-off, tree preservation, reducing light pollution, and reducing construction waste; and

WHEREAS, the Town of Clinton wishes to support green building in the private sector through a combination of voluntary and educational actions for residents and businesses, such as making available information on green building programs, guidelines, and rebates. The Town may also consider further actions, such as discussing the inclusion of a green building scorecard within the Site Plan approval process.

NOW, THEREFORE, BE IT RESOLVED that the Town of Clinton hereby implements a Green Building Policy that:

- 1) will consider opportunities to incorporate green building measures into the design, construction, operation, and maintenance of municipal buildings and facilities.
- 2) will encourage green design for commercial and residential buildings.

Janice Kovach, Mayor

ATTEST:

Cecilia Covino, RMC/CMC
Town Clerk

DATED: April 26, 2023

TOWN OF CLINTON, HUNTERDON COUNTY
RESOLUTION #86-23

Whereas, the Historic Preservation Commission of the Town of Clinton desires to apply for and obtain a grant from the New Jersey Historical Commission (NJHC) for \$5,000 to designate Gebhardt Baseball Field and the Grandstand as an historic landmark.

Be it therefore RESOLVED,

1. That the Town of Clinton does hereby authorize the application for such a grant (Application # HC-PRO-2024-027); and,
2. Recognizes and accepts that the NJHC may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the NJHC, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the NJHC, does further authorize the expenditure of funds pursuant to the terms of the agreement between

The Town of Clinton and the New Jersey Historical Commission.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Mayor Janice Kovach

CERTIFICATION:

I, Cecilia Covino, the Municipal Clerk of the Town of Clinton, hereby does certify that at a meeting of the Mayor and Council held on April 26, 2023, the above resolution was duly adopted.

AFFIX GOV'T,
CORPORATE OR
NOTARY SEAL

Cecilia Covino, RMC/CMC
Municipal Clerk

RESOLUTION #87-23

ESTABLISHING MINIMUM INSURANCE STANDARDS FOR CONTRACTORS AND VENDORS ACCESSING MUNICIPAL PROPERTY FOR RECREATION OR NON-RECREATION PURPOSES

WHEREAS, on July 22, 2020 the Mayor and Council adopted Resolution # 117-20 which established certain minimum standards of insurance to be provided by contractors and vendors renting/reserving municipal property for private events; and

WHEREAS, the Mayor and Council of the Town of Clinton are desirous to amend the current minimum standards of insurance to be provided by contractors and vendors, as well as expand to include residents desirous of renting/reserving municipal property for private events; and

WHEREAS, the Town recognizes that depending on the good/services being provided by the contractor/vendor/resident, different insurance limitations would continue to be in the best interest of the Town; and

WHEREAS, the Town is amending its “tiered” insurance structure to continue providing for higher insurance limitations for contractors/vendors/residents providing higher risk services and lower insurance limitations for contractors/vendors/residents providing lower risk services; and

WHEREAS, any contractor/vendor/resident seeking rent/reserve municipal property or facilities are still required to complete and adhere to all the terms and conditions of the Town’s Facility Use Form (as amended); and

WHEREAS, the attached document entitled “Town of Clinton Insurance Requirements” shows the amended tier limitations; and

WHEREAS, recognizing that the list of tiered events is not all-encompassing, the Mayor and Council authorize the Town’s Risk Manager to make interpretations and assign contractor/vendors to specific tier requirement coverage for recreation related programs/events, and to make interpretations and assign contractor/vendors to specific tier requirement coverage for non-recreation related programs/events; and

WHEREAS, as the discretion of the Mayor and Council of the Town of Clinton, the limitations and/or tier categories can be modified and amended by resolution should the need arise.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby adopt the amended tiered standards for insurance limitations in accordance with the attached document entitled “Town of Clinton Insurance Requirements”.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to all municipal departments and the Town of Clinton Recreation Commission.

Town of Clinton

Insurance Requirements

TIER A CATEGORIES – HIGH/MEDIUM RISK (Parades, Marathon event, Cycling event, Fireworks display, Hot Air Balloon, Wagon Rides, Bounce Houses or inflatables, Amusement Rides, Petting Zoos, Alcohol Sales or consumption, Day Camps, Sporting Leagues, Pyrotechnics, Helicopter experience, Pony Rides, Food Truck Vendors, Food Vendors (no alcohol), Exercise/Fitness/Dance Class, Music & Entertainment, Beverage Truck (no alcohol), Fishing Derby, Sports Coaching, Dunk Tank, Art Classes)

- A. All insurance coverages reference in this application, purchased by the applicant shall use Insurers with a minimum A.M. Best Rating of A- VII and all Insurers shall be licensed or authorized to do business in New Jersey.
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 certificates of insurance or its equivalent, shall not in any way relieve applicant from any liability or diminish their obligations to maintain the insurance coverages required herein, or with any agreement with the Town or by law.
- C. Applicant shall maintain, or cause to be maintained, for the full term of the contract or as required below, at their sole cost and expense, the following insurance coverages:
 - a. Commercial General Liability insurance shall cover ALL operations of the Applicant for bodily injury, property damage, personal injury with minimum limits of not less than:
 - i. Bodily Injury and Property Damage Liability \$1,000,000 each occurrence
 - ii. Personal Injury Liability: \$1,000,000 each occurrence
 - iii. Products/Completed Operations: \$1,000,000 each occurrence
 - iv. Medical Payments: \$10,000
 - v. General Annual Aggregate: \$2,000,000
 - b. Commercial General Liability coverage shall contain:
 - i. No Cross Liability or Cross Suits exclusions or limitations.
 - ii. Town and its officers, directors, boards, commissions, agents, employees and volunteers as additional insured on a primary and noncontributory basis.
 - iii. Waiver of Subrogation.
 - c. Commercial Automobile Liability insurance coverage with minimum limits of \$1,000,000 per accident for all Owned, Leases, Non-Owned and Hired Vehicles
 - d. Workers' Compensation and Employers Liability insurance in accordance with the applicable State statutes and laws. Sole proprietorships, members of LLC's and partners who will performing work may not "opt out" of coverage in states were allowed; coverage must be maintained.
 - i. Part A – Statutory benefits
 - ii. Part B - \$100,000 each employee disease/\$500,000 policy limit/\$100,000 each accident
 - e. Professional Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.

- f. Liquor Law Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
- D. Should the insured's coverage lapse or be cancelled for any reason, the Town must be notified no later than 30 days prior to cancellation date.
- E. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.

TIER B CATEGORIES – LOW RISK (Face Painting, Clowns, Jewelry sales, Home goods sales, Crafters, Business promotion booth.)

- A. All insurance coverages reference in this application, purchased by the applicant shall use Insurers with a minimum A.M. Best Rating of A- VII and all Insurers shall be licensed or authorized to do business in New Jersey.
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 certificates of insurance or its equivalent, shall not in any way relieve applicant from any liability or diminish their obligations to maintain the insurance coverages required herein, or with any agreement with the Town or by law.
- C. Applicant shall maintain, or cause to be maintained, for the full term of the contract or as required below, at their sole cost and expense, the following insurance coverages:
 - a. Commercial General Liability insurance shall cover ALL operations of the Applicant for bodily injury, property damage, personal injury with minimum limits of not less than:
 - i. Bodily Injury and Property Damage Liability \$500,000 each occurrence
 - ii. Personal Injury Liability: \$500,000 each occurrence
 - iii. Products/Completed Operations: \$500,000 each occurrence
 - b. Commercial General Liability coverage shall contain:
 - i. No Cross Liability or Cross Suits exclusions or limitations.
 - ii. Town and its officers, directors, boards, commissions, agents, employees and volunteers as additional insured on a primary and noncontributory basis.
 - iii. Waiver of Subrogation.
 - c. Commercial Automobile Liability insurance coverage with minimum limits of \$500,000 per accident for all Owned, Leases, Non-Owned and Hired Vehicles
 - d. Workers' Compensation and Employers Liability insurance in accordance with the applicable State statutes and laws. Sole proprietorships, members of LLC's and partners who will performing work may not "opt out" of coverage in states were allowed; coverage must be maintained.
 - i. Part A – Statutory benefits
 - ii. Part B - \$100,000 each employee disease/\$500,000 policy limit/\$100,000 each accident
 - e. Professional Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.

- f. Liquor Law Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
- D. Should the insured's coverage lapse or be cancelled for any reason, the Town must be notified no later than 30 days prior to cancellation date.
- E. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.
- F. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.
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TIER C CATEGORIES – RESIDENT REQUIREMENTS

Residents shall provide the Town of Clinton no less than five days prior to the date of use of any Town facilities evidence in the form of a certificate of insurance for personal liability insurance coverage conditioned below:

- A. Any and all applicable insurance coverage purchased by the Applicant(s) shall use Insurers with a minimum of A.M. Best rating of A-VII and all Insurers shall be licensed or authorized to do business in New Jersey.
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 Certificate of Insurance or its equivalent shall not in any way relieve applicant from any liability or diminish their obligations to maintain insurance coverage.
- C. The Town of Clinton reserves the right to deny access to town facilities to applicants that do not provide evidence of personal liability insurance coverage.
- D. Should any applicant hire outside vendors to perform services or functions relating to the use of Town of Clinton facilities, the applicant should obtain evidence of the vendor's insurance in accordance with the provisions outline in Tier A & B. for their own protection.

TOWN OF CLINTON INDEMNIFICATION AND HOLD
HARMLESS AGREEMENT

The Applicant agrees to protect, indemnify and hold harmless the Town of Clinton, its officers and directors, employees, officials, volunteers, agents, subcontractors and affiliates and all of the foregoing's respective successors and assigns (collectively, the "Indemnified Parties"), from and against any and all liabilities, losses, damages, costs, expenses (including but not limited to attorney's fees and expenses), causes of action, suits and claims of any nature whatsoever. Such indemnification shall include, but not be limited to, matters arising from, based upon, or relating to (a) Personal Injury or death to, or damage to or loss of property of, loss of use of property, to any person caused in whole or part by the negligence of any Indemnified Party in connection with such Indemnified Party's involvement or participation in the afore-mentioned event. This indemnification agreement is not limited to the insurance requirements.

This indemnification shall be governed by and construed in accordance with the laws of the State of New Jersey, without reference to the conflict of law provisions thereof. If any portion of this indemnity shall be invalid or unenforceable, the remaining portion hereof shall not be affected thereby and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, a duly authorized representative of the Renter, have read and agree to be bound by the terms of this agreement.

Signature: _____

Print Name: _____

Title: _____

Company Name (If applicable) _____

Date: _____

For Minors

I/WE, _____ (hereinafter "I/WE"), acknowledge and

Represent that I/WE am/are the parent(s)/legal guardian(s) of _____

Printed Name of
Parent(s)/legal guardian(s): _____

Date: _____

TOWN OF CLINTON

RESOLUTION # 88-23

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$2,891.37, the amount necessary to redeem Tax Sale Certificate #22-00005 on Block 11, Lot 11, as assessed to Legacy Intax, LLC, and purchased by Bala Partners, LLC.

NOW THEREFORE BE IT RESOLVED, on this 26th day of April, 2023 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$2,891.37 for the lien redemption and a check in the amount of \$1,800.00 for the premium, Bala Partners, LLC, P.O. Box 803, Pottersville, NJ 07979, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and;

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien on Block 11, Lot 11, as assessed to Legacy Intax, from the Town of Clinton Tax Records.

Cecilia Covino, Municipal Clerk

RESOLUTION #89-23
SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Clinton has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Town of Clinton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved:

Vote recorded as follows:

ORDINANCE #23-08
CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Clinton in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 39,736.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Clinton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Town of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 139,078.63 and that the CY 2023 municipal budget for the Town of Clinton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Cecilia Covino, RMC/CMC

Municipal Clerk